IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWP No. 1351 of 2006

Date of Decision: 31.10.2007

Chaman Lal … Petitioner

Versus

Smt.Geeta Devi & ors. … Respondents.

Coram:

The Hon'ble Mr. Justice Deepak Gupta, Judge.

The Hon'ble Mr. Justice V.K. Ahuja, Judge.

Whether approved for reporting?

For the Petitioner	:	Mr. Sunil Chaudhary, Advocate.
For Respondent No.1	:	Mr. Rajiv Rai, Advocate.
For respondents 2 to 4	:	Mr. M.S.Chandel, Advocate General with Mr. R.M.Bisht, Deputy Advocate General.

Deepak Gupta, J (Oral).

This petition is directed against the order dated 20.12.2006 passed by a Bench of the learned H.P. State Administrative Tribunal camp at Dharamsala in OA(D) No. 534 of 2006.

Respondent No. 1 herein filed an O.A. before the learned Tribunal in which her grievance was that though she had been selected as Part Time Water Carrier in Government Primary School, Gutkar, Tehsil Sadar, District Mandi, she was not being permitted to join there as Part Time Water Carrier by the petitioner who was respondent No. 4 in the Original Application.

This petition was taken up by he learned Tribunal for the first time on 20.12.2006. The learned Tribunal did not deem it proper to call for the reply of the respondents and disposed of the original application with a direction to the petitioner herein to take the joining/appointment of the applicant as Part Time Water Carrier within a period of 10 days. This order is under challenge before us.

We are constrained to observe that the learned Tribunal, which is a judicial body, has totally violated all canons and principles of natural justice while passing the said order. The grievance of the original applicant before the Tribunal was that the present petitioner is not permitting her to join as Part Time Water Carrier. We are not going into the merits of the grievance of the petitioner. However, before her grievance could have been adjudicated upon not only the rules of natural justice, but the provisions of the Administrative Tribunal Acts and the Rules framed thereunder required that notice should have been issued to respondent No.4. Without issuing any notice to respondent No. 4 (petitioner herein) and without giving him any opportunity of being heard and putting forward his case, the learned Tribunal could not have decided the matter.

We do not like to comment on the work of the bodies like the H.P.State Administrative Tribunal. However, we have noticed in a large number of cases that some Benches of the Tribunal are deciding the matters in favour of the applicants without giving the respondent-State or the private respondents even an opportunity to file reply. We have already passed some orders in this regard. Despite our earlier observations we are constrained to notice a

trend of deciding the matters in favour of the original applicants without issuing notice to the respondents who are affected by these orders. This practice is totally improper and should not be permitted to continue.

In view of the above discussion, we without commenting on the merits of the case set aside the order under challenge and remit the matter back to the learned Tribunal to decide the same afresh after giving the parties an opportunity to file pleadings and also giving them proper hearing in the matter.

A copy of this order be sent to the Registrar, H.P. State Administrative Tribunal who shall place the same before the learned Chairman.

(Deepak Gupta), J.

October 31, 2007 (V. K. Ahuja), J.

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